

JAN 17 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OSCAR ARTURO SANCHEZ
HERNANDEZ and ALMA ROSA LARA
BATRES,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71231

Agency Nos. A075-749-304
A075-749-305

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 15, 2013**

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Oscar Arturo Sanchez Hernandez and Alma Rosa Lara Batres, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen. Our jurisdiction is

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen based on ineffective assistance of counsel where petitioners failed to establish prejudice. *See id.* at 793-94 (prejudice results when the alleged deficient conduct "may have affected the outcome of the proceedings" (internal quotation marks omitted)).

We lack jurisdiction to review the BIA's discretionary decision declining to exercise its sua sponte authority under 8 C.F.R. § 1003.2(a). *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011).

Petitioners' remaining contentions are unavailing, or not supported by the record.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.